

## **REMARKS**

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated July 14, 2004. Claims 1-28 are currently pending in the application.

In the Office Action, the Examiner has again rejected Claims 1 and 13 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art in view of *Hughes et al.* (U.S. 4,730,307), Claims 3-5, 9-12, 15-17, and 21-28 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art and *Hughes* in view of *Scott et al.* (6,154,486), Claims 2 and 14 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art and *Hughes*, and further in view of *Nakamura et al.* (U.S. 6,314,090), and Claims 6-8 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art, *Hughes* and *Scott* in view of *Szczutkowski et al.* (U.S. 4,187,146).

As stated above, the Examiner has rejected Claims 1 and 13, the independent claims of the present application, under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art in view of *Hughes*. Specifically, the Examiner asserts that applicants' admitted prior art discloses all the elements of Claims 1 and 13 except for intermittently transmitting a preamble signal during a preamble interval prior to a transmission interval of a reverse access channel message, which is allegedly disclosed in *Hughes*.

Further, in this rejection, the Examiner now cites Figs. 5A-5C, more specifically, the non-transmission intervals 156-1 and 156-3, of *Hughes* as disclosing intermittently transmitting a preamble signal during a preamble interval prior to a transmission interval of a reverse access channel message, wherein the preamble interval includes a plurality of transmission intervals and a plurality of non-transmission intervals. However, as was discussed in a telephone interview between Examiner Eugene Yun and Attorney Douglas M. Owens III, on September 13, 2004, it is respectfully submitted that the Examiner is incorrect.

In *Hughes*, each bus interface unit (BIU) receives a preamble signal transmitted during a preamble interval having preamble transmission intervals 158 and 160, and a preamble non-transmission interval 160, as is illustrated in FIG. 3. In FIG. 5, this same preamble structure is shown for N BIUs, where each BIU receives a preamble signal transmitted during a preamble interval having preamble transmission intervals 158-N and 160-N, and a preamble non-transmission interval 160-N. The Examiner is asserting that because of the plurality of preamble intervals, i.e., 158-1, 160-1, 158-3, 160-3, etc., *Hughes* recites the recitations of Claims 1 and 13.

However, 158-1 and 160-1 are the preamble transmission intervals for BIU 60-1, and 158-3 and 160-3 are the preamble transmission intervals for BIU 60-3. Similarly, 156-1 is the only non-transmission interval for BIU 60-1, and 156-3 is the only non-transmission interval for BIU 60-3. That is, in *Hughes*, a structure for transmitting a preamble signal is fixed as: preamble transmission interval – a preamble non-transmission interval - preamble transmission interval, i.e., only one non-transmission interval. Therefore, it is respectfully submitted that *Hughes* fails to teach intermittently transmitting a preamble signal, wherein the preamble interval includes a plurality of transmission intervals and a plurality of non-transmission intervals.

With regard to the rejections of Claims 6-8 and 18-20, the Examiner asserts that *Szczutkowski* teaches: (i) the preamble generator interrupts generation of the preamble signal upon receiving sync acquisition information from the base station (Claims 6 and 18); (ii) the mobile station shortens the preamble interval and immediately transmits the access channel message, upon receiving sync acquisition information from the base station (Claims 7 and 19); and (iii) the sync acquisition information is non-coded data (Claims 8 and 20). More specifically, the Examiner cites Column 21, Lines 13-25 as reciting all these elements. Column 21, Lines 13-25 of *Szczutkowski* reads as follows:

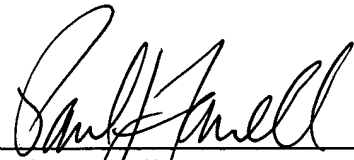
Accordingly, a test may be made at block 1210 to see whether the second vector in the just received OA field is inverted. If it is, then exit is made to the late entry subroutine of FIG. 14 as indicated. If not, then a normal sync acquisition from the preamble is indicated and control is passed onto block 1212 where a test is made to determine if the synchronization number SN is a valid number (e.g. do the three 5-bit vectors and odd parity code bit check out with respect to one another and, if so, is the indicated sync number less than or equal to 12?). If the sync number SN is not valid, then exit is taken via wait loop 1214 back to block 1202 to wait for the next valid Barker code synchronization word S.

It is respectfully submitted that in neither this above-cited section, nor any other section of *Szczutkowski*, is there any teaching of (i) the preamble generator interrupts generation of the preamble signal upon receiving sync acquisition information from the base station; (ii) the mobile station shortens the preamble interval and immediately transmits the access channel message, upon receiving sync acquisition information from the base station; or (iii) the sync acquisition information is non-coded data, as recited in Claims 6-8 and 18-20, respectively. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 6-8 and 18-20.

Based on the arguments presented above, it is respectfully submitted that Claims 1 and 13 are in condition for allowance. Without conceding the patentability per se of dependent Claims 2-12 and 14-28, they are likewise believed to be allowable by virtue of their dependence on Claims 1 and 13, respectively. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-12 and 14-24 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-28 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant(s)

**DILWORTH & BARRESE, LLP**  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516  
PJF/DMO